

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,

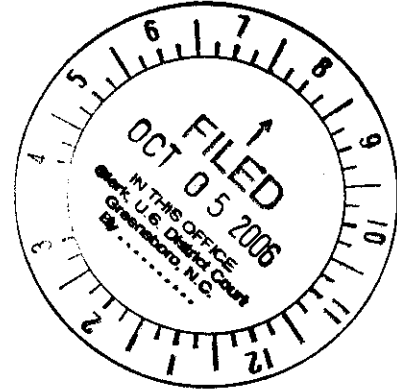
Plaintiff,

v.

1.374 ACRES OF LAND, MORE OR LESS,  
SITUATED IN GUILFORD COUNTY NORTH  
CAROLINA, and NEW FORTIS CORPORATION,  
OWNER, et al.,

Defendants.

1:05CV1143



JUDGMENT AS TO JUST COMPENSATION

The Court, having received the Stipulation of the United States of America, and K. Hovnanian Homes of North Carolina, Inc., f.k.a. The New Fortis Corporation and The Hampton Park Homeowners Association of Guilford County, Inc., by their attorneys, and good cause appearing therefore, hereby enters its judgment by ordering as follows:

1. The estate acquired in the subject property, as more particularly described in the Complaint and Declaration of Taking filed in this action is an estate in fee simple subject, however, to existing easements for public roads, rights of way and highways, public utilities, railroads and pipelines, which the Court finds to be vested in the United States of America.

2. The full just compensation payable by the United States of America for the taking of said property shall be \$137,500.00, inclusive of interest; and the United States of America has previously deposited in the registry of the court estimated just

compensation in the amount of \$109,000.00 and shall deposit the deficiency amount of \$28,500.00 into the registry of the court in satisfaction of this judgment.

3. The said sum of \$137,500.00 shall be in full satisfaction of any and all claims of whatsoever nature against the United States of America by reason of the institution and prosecution of this action and the taking of said land, including any and all claims for past rent.


4. The said just compensation shall be subject to all liens, encumbrances and charges of whatsoever nature existing against the land at the time of vesting of title thereto in the United States of America and all such liens, encumbrances and charges of whatsoever nature shall be payable and deductible from said sum.

5. The defendants have warranted that they have the exclusive right to the compensation herein, excepting the interest of parties having liens or encumbrances of record and unpaid taxes and assessments, if any, and that no other person or entity is entitled to the same or any part thereof.

6. That upon deposit of said deficiency amount of \$28,500.00 into the registry of the court, the Clerk of Court, without further order of this Court, shall issue a check payable to K. Hovnanian Homes of North Carolina, Inc. in the amount of \$25,500.00, and a check payable to The Hampton Park Homeowners

Association of Guilford County, Inc. in the amount of \$3,000.00. Said checks shall be mailed to Bruce P. Ashley, counsel for defendants, at Smith Moore LLP, P. O. Box 21927, Greensboro, NC 27420.

7. IT IS ORDERED that said attorney shall forthwith apply the proceeds of said check to the payment, discharge and release of all taxes, assessments, liens and encumbrances against the property on the date of taking, and to the redemption of all tax sales thereof, and the balance to the parties entitled thereto.

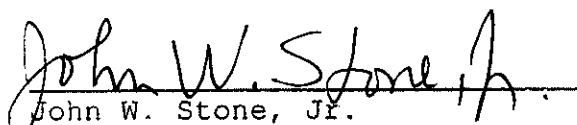
  
~~UNITED STATES DISTRICT JUDGE~~

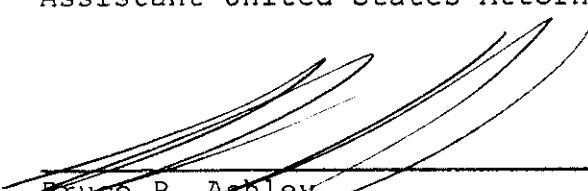
Wallace W. Dixon  
United States Magistrate Judge

Consented to:

UNITED STATES OF AMERICA

ANNA MILLS WAGONER  
United States Attorney

  
John W. Stone, Jr.  
Assistant United States Attorney

  
Bruce P. Ashley  
Attorney for K. Hovnanian Homes of  
North Carolina, Inc., f.k.a. The New  
Fortis Corporation and The Hampton  
Park Homeowners Association of  
Guilford County, Inc.